

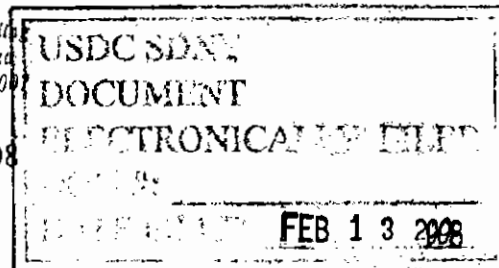


U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 11, 2008

**By Facsimile: 212-805-0426**

Honorable Laura Taylor Swain
United States District Court
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Miguel Sierra-Marte
07 Cr. 528 (LTS)

Dear Judge Swain:

Your Honor may recall that the defendant missed his last scheduled Court appearance (scheduled for February 1, 2008) due to illness. I now have been informed by officials at the prison that the defendant is healthy enough to attend Court appearances. The Government writes, then, to respectfully request, on behalf of both parties, and as discussed with Your Honor's clerk, that the next conference in the above-referenced matter be re-scheduled to a date convenient for Your Honor after the second week of March 2008, to allow the parties to continue ongoing discussions concerning a disposition in this matter.

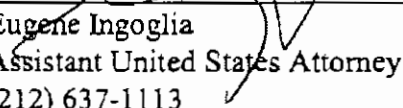
The Government respectfully requests that time be excluded for purposes of the Speedy Trial Act between today's date, and the date of the next conference. This delay will permit the Government and the defense to continue discussions concerning the possibility of a disposition before trial, and provide defense counsel with an opportunity to review discovery produced by the Government. The Government makes this request with the consent of counsel for the defendant.

The scheduling and exclusion requests are granted as in the interests of justice, for the reasons set forth above. The conference will be held on March 18, 2008, at 4:00 pm. The time between today's date and March 18, 2008, is hereby excluded from speedy trial computations.

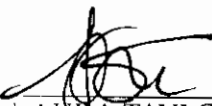
Very truly yours,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:


Eugene Ingoglia
Assistant United States Attorney
(212) 637-1113
SO ORDERED.

cc: David Goldstein, Esq.

 2/13/08
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE